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# HOUSE BILL No. 1394

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-30-5-5.

**Synopsis:** Driving while intoxicated and causing death. To honor the memory of Representative Roland Stine, provides that a person who causes the death of another person while operating a motor vehicle with an alcohol concentration of at least 0.15 gram of alcohol per: (1) 100 milliliters of the person's blood; or (2) 210 liters of the person's breath; commits a Class B felony.

**Effective:** July 1, 2004.

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## Bosma, Oxley

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January 20, 2004, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## HOUSE BILL No. 1394

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-30-5-5, AS AMENDED BY P.L.175-2001,  
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2004]: Sec. 5. (a) A person who causes the death of another  
4 person when operating a motor vehicle:

5 (1) with an alcohol concentration equivalent to at least  
6 eight-hundredths (0.08) gram of alcohol **but less than**  
7 **fifteen-hundredths (0.15) gram of alcohol** per:

8 (A) one hundred (100) milliliters of the person's blood; or

9 (B) two hundred ten (210) liters of the person's breath;

10 (2) with a controlled substance listed in schedule I or II of  
11 IC 35-48-2 or its metabolite in the person's ~~body~~; **blood**; or

12 (3) while intoxicated;

13 commits a Class C felony. However, the offense is a Class B felony if,  
14 within the five (5) years preceding the commission of the offense, the  
15 person had a prior unrelated conviction under this chapter.

16 (b) **A person who causes the death of another person when**  
17 **operating a motor vehicle with an alcohol concentration equivalent**

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1 to at least fifteen-hundredths (0.15) gram of alcohol per:

2 (1) one hundred (100) milliliters of the person's blood; or

3 (2) two hundred ten (210) liters of the person's breath;

4 commits a Class B felony.

5 (c) A person who violates subsection (a) or (b) commits a separate  
6 offense for each person whose death is caused by the violation of  
7 subsection (a) or (b).

8 ~~(c)~~ (d) It is a defense under subsection (a)(2) that the accused  
9 person consumed the controlled substance under a valid prescription  
10 or order of a practitioner (as defined in IC 35-48-1) who acted in the  
11 course of the practitioner's professional practice.

12 SECTION 2. [EFFECTIVE JULY 1, 2004] IC 9-30-5-5, as  
13 amended by this act, applies only to offenses committed after June  
14 30, 2004.

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